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Barry L. Kelmachter
BACHMAN & LaPOINTE, P.C.
900 Chapel Street, Suite 1201

In re Application of
Spyros TSAKAS et al.
Application No.: 10/089,486
PCT No.: PCT/GR00/00028
International Filing Date: 27 September 2000
Priority Date: 29 September 1999
For: CRYOPRESERVED AMNIOTIC HUMAN
CELLS FOR FUTURE THERAPEUTIC,
DIAGNOSTIC, GENETIC AND OTHERS
USES

NOTIFICATION

This application is before the PCT Legal Office for matters pertaining to 35 U.S.C. 371.

BACKGROUND

On 27 September 2000, applicants filed international application PCT/GR00/00028 claiming priority to an earlier application filed 29 September 1999. A copy of the international application was timely communicated to the United States Patent and Trademark Office by the International Bureau. A DEMAND for international preliminary examination, in which the United States was elected, was filed on 27 April 2001. Accordingly, the thirty month period for paying the basic national fee in the United States of America expired at midnight on 29 March 2002.

On 27 March 2002, applicants filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States under 35 U.S.C. 371, accompanied by, *inter alia*, the required basic national fee and an executed declaration.

On 10 September 2002, the DO/EO/US mailed a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 AND 1.495 (Form PCT/DO/EO/903) indicating a date under 35 U.S.C. 371 of 27 March 2002.

DISCUSSION

A review of the application reveals that the declaration filed on 27 March 2002 does not list

and does not contain the signature of co-inventor Nikolaos LINARDOS. There is no evidence of a change under PCT Rule 92bis during the international stage to remove co-inventor Nikolaos LINARDOS nor has the applicant proceeded as prescribed by 37 CFR 1.497(d) in order to have a the declaration accepted which lists an inventive entity different from that set forth in the international application.

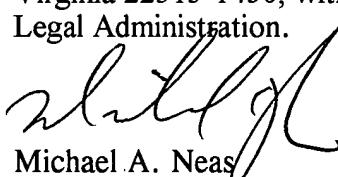
CONCLUSION

In view of the above, the declaration filed 27 March 2002 does not comply with 37 CFR 1.497.

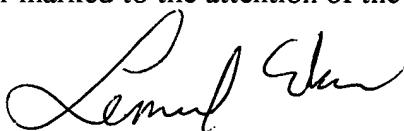
The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) mailed on 10 September 2002 is hereby **VACATED**.

Applicants are hereby afforded TWO (2) MONTHS from the mailing date of this Notification to submit an oath or declaration in compliance with 37 CFR 1.497. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Michael A. Neas
PCT Special Program Examiner
Office of PCT Legal Administration



Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: (703) 308-0954
Facsimile: (703) 308-6459